

Appl. No. 10/828,804

Attorney Docket No. 10541-1971

II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this amendment, claims 1-20 remain pending with claims 1, 4-7, 9, and 11-20 currently under examination and claims 2, 3, 8 and 10 being withdrawn from consideration.

Claim Rejections - 35 U.S.C. §112

Claims 1, 4-7, 9 and 11-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. It is respectfully submitted that the specification as a whole must be considered in determining compliance with section 112. In this instance, the examiner is ignoring Figures 1 and 2. The independent claims are generic to all embodiments. While a specific species has been elected, this only means specific claims are to be examined. It does not mean that the disclosure is to be parsed in determining support for various language. The examiner provides no basis for the position that the parsing of the specification as a whole is proper. One skilled in the art would recognized that the teachings of Figs. 1 and 2 would carry over into the cross-section views of Figures 4 and 5.

As previously noted, Figure 1 of the application, the present invention is shown in a perspective view. Hidden lines show the outline of features located behind solid surfaces. In this view, it is clear that none of the dome shaped protrusions 22 and 34 show the presence of any apertures or openings in their surfaces. If such structures existed, they would be shown using either solid or



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hidden lines. Similarly, Figure 2 shows an embodiment in a side elevational view with only a small portion being cut away. As is readily evident from this figure, the energy absorbing padding is a surface of rotation without any apertures in the domes.

Further, looking at the sectional view of Figures 4 and 6-8, interior surface lines can be seen on these domes. There is no suggestion anywhere in the disclosure that the surfaces of the domes would be anything but a solid surface. The disclosure itself points to the elected embodiment of Figure 4, the specification (at paragraph [0027]) references the embodiment of Figures 1 and 2. Specifically, the text introduces Figure 4 by stating "[A]s in the first padding 10, the second padding includes..." and then recites a list of common structural elements of the two paddings. From this, it is apparent that the structures of Figures 1 and 2 are substantially the same as that of Figure 4 (other than being oriented in the same direction in Figure 4) and that no apertures are formed in any side wall.

In reviewing an application under 35 U.S.C. 112, the *entire* specification, including the figures, is to be used in determining whether claims comply with the written description requirement, not only those cross-sections relating to the elected embodiment. See MPEP § 2163(II)(A)(2). The specification, as a whole, as the present application never mentions apertures in any embodiment, never shows such a construction, and never provides a reason as to why such a feature would even be provided. Therefore, it is submitted that the specification does support first and second elements having uninterrupted surfaces of rotation. Accordingly, it is believed that this rejection is in error and should be withdrawn.



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Claim Rejections - 35 U.S.C. §103(a)

Claims 1, 4-7, 9 and 11-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bach et al in view of Hall. Applicants respectfully traverse these rejections.

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In relying on the vibration table of Bach, the examiner states that Bach teaches padding 17, 19 and 20 layers having elements with uninterrupted surfaces. These padding 17, 19 and 20 layers are layers of spherical balls. The examiner then goes on to state that the padding of Bach could be replaced with the padding of Hall. If so replaced, the resulting structure would include the interrupted structure of Hall. It is important to note that these references teach mutually exclusive means of absorbing shock and vibration. Hall's means specifically relies on communicating a fluid with the environment. Bach is directly contrary and teaches not communicating a fluid with the environment. One skilled in the art would not combine the teaching of the references as such since, to do so, would require the actual teachings of each reference to be destroyed. For this and other reasons, the combination is improper.

More specifically, the Hall shock absorber teaches the use of fluid from an *ambient* environment as a working fluid. To accomplish this, a plurality of openings are provided in the chamber walls to place the chamber volumes into fluid communication with the ambient environment. Contrarily, Bach's vibration isolation structure including two plates separated by a vibration reducing material

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having at least three individual containers filled with fluid. The containers are sealed from the ambient environment and filled with a non-ambient fluid such as, for example, air, liquid silicon, or water.

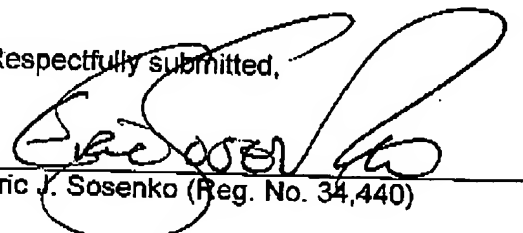
In that Hall fails to disclose or suggest elements that are defined by uninterrupted surfaces of rotation, and since Bach cannot be combined with Hall, it must be concluded that the present references cannot render the claims of the present application as obvious. The rejection under § 103 is therefore improper and should be withdrawn.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is respectfully requested.

9/18/07
Date

Respectfully submitted,


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